

6 at a rate of not to exceed thirty-three and one-third cents (33-1/3c)
7 per ten (10) lines of brevier type or its equivalent, in two (2) news-
8 papers of general circulation in the county in which the business is
9 located upon which the dispute arose. All evidence taken and exhibits
10 and documents offered shall be carefully preserved and at the close of
11 the investigation shall be filed in the office of the governor of the
12 state and shall only be subject to inspection upon his order.

[C. C. 871.]

Approved February 5, A. D. 1923.

CHAPTER 231

FENCES

H. F. 56

AN ACT to amend, revise and codify section eleven hundred ninety-nine (1199) of the compiled code of Iowa, relating to fences.

Be it enacted by the General Assembly of the State of Iowa:

That section eleven hundred ninety-nine (1199) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SECTION 1. Lawful fence defined.** A lawful fence shall consist of:
2 1. Three (3) rails of good substantial material fastened in or to
3 good substantial posts not more than ten (10) feet apart.
4 2. Three (3) boards not less than six (6) inches wide and three-
5 quarters (¾) of an inch thick, fastened in or to good substantial
6 posts, not more than eight (8) feet apart.
7 3. Three (3) wires, barbed with not less than thirty-six (36) iron
8 barbs of two (2) points each, or twenty-six (26) iron barbs of four
9 (4) points each, on each rod of wire, or of four (4) wires, two (2)
10 thus barbed and two (2) smooth, the wires to be firmly fastened to
11 posts not more than two (2) rods apart, with not less than two (2)
12 stays between posts or with posts not more than one (1) rod apart
13 without such stays, the top wire to be not more than fifty-four (54)
14 nor less than forty-eight (48) inches in height.
15 4. Wire either wholly or in part, substantially built and kept in
16 good repair, the lowest or bottom rail, wire or board not more than
17 twenty (20) nor less than sixteen (16) inches from the ground, the
18 top rail, wire or board, to be between forty-eight (48) and fifty-four
19 (54) inches in height and the middle rail, wire or board not less than
20 twelve (12) nor more than eighteen (18) inches above the bottom
21 rail, wire or board.
22 5. Any other kind of fence, which, in the opinion of the fence
23 viewers, shall be equivalent thereto.

[C. C. 1199.]

1 **SEC. 2. Sheep and swine tight fences.** All partition fences may
2 be made tight by the party desiring it, and when his portion is so

3 completed, and securely fastened to good substantial posts, set firmly
4 in the ground, not more than twenty (20) feet apart, the adjoining
5 property owner shall construct his portion of the adjoining fence, in
6 a lawful tight manner, same to be securely fastened to good substan-
7 tial posts, set firmly in the ground not more than twenty (20) feet
8 apart.

[C. C. 1199.]

1 **SEC. 3. Tight partition fences—defined.** All tight partition fences
2 shall consist of:

3 1. Not less than twenty-six (26) inches of substantial woven wire
4 on the bottom, with three (3) strands of barbed wire with not less
5 than thirty-six (36) barbs of at least two (2) points to the rod, on
6 top, the top wire to be not less than forty-eight (48) inches, nor more
7 than fifty-four (54) inches high.

8 2. Good substantial woven wire not less than forty-eight (48)
9 inches nor more than fifty-four (54) inches high with one barbed wire
10 of not less than thirty-six barbs of two points to the rod, not more
11 than four inches above said woven wire.

12 3. Any other kind of a tight partition fence which in the opinion
13 of the fence viewers is equivalent thereto.

[C. C. 1199.]

1 **SEC. 4. Each owner to keep sheep and swine fence tight.** In case
2 adjoining owners or occupants of land shall use the same for pastur-
3 ing sheep or swine, each shall keep his share of the partition fence
4 in such condition as shall restrain such sheep or swine.

[C. C. 1199.]

1 **SEC. 5. Fence viewers to settle controversies.** Upon the applica-
2 tion of either owner, after notice is given as prescribed in this chapter,
3 the fence viewers shall determine all controversies arising under the
4 four (4) preceding sections, including the partition fences made sheep
5 and swine tight.

[C. C. 1199.]

Approved March 15, A. D. 1923.